

REMARKS**Status of the Claims**

Applicants appreciate the Examiner's careful review of the independent and dependent claims in the outstanding Office Action. Claims 1, 3-8, 20, 21, and 23-34 are pending in this application, with claims 1, 20, and 29 being independent claims. All claims remain rejected. A Notice of Appeal has been filed.

Response

The Examiner objects to the following formalities:

Drawings

The Examiner objects to the quality of the drawings submitted, and in response, Applicant files herewith 5 Replacement Sheets of formal drawings (Figs. 1-5) which are believed to be in compliance with 37 CFR 1.84(l).

Claim Objections

The Examiner states:

Claims 23 and 24 are objected to because of the following informalities: The claims are dependent upon a cancelled claim. Appropriate correction is required. When treating the claim on the merits, the claims will be viewed as being dependent upon claim 21.

Applicant includes formal drawings and amends claim 23 (from which claim 24 depends) to correct its dependency to claim 21 as indicated by the Examiner. This amendment is made solely to place the claims in better condition for appeal.

Rejections Under 35 USC §112 of Claims 3, 20, 21, 23-26, and 31-33

The Examiner has rejected claims 3, 20, 21, 23-26, and 31-33 under 35 USC §112, second paragraph, as being indefinite.

The Examiner states:

Claims 3, 20, 21, 23-26 and 31-33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 3, 20 and 31 each recite a limitation in which the suture contacting element comprises two opposing faces and each face has an electrode disposed thereon. The way the claims are recited, it implies that the device has an additional "electrode" disposed on the suture contacting element, in addition to the first and second electrode. However, the specification does not show a device having more than two electrodes. Therefore, the claim limitations need to be amended to state that each face of the suture contacting element has one of the first or second electrode disposed thereon, and not an additional electrode.

The remaining listed claims are rejected based on their dependence on the rejected claims.

Applicant submits that the claims are clear (indeed, the Examiner seems to have had no problem understanding them), however, in order to simplify the issues on appeal, Applicant amends claims 3, 20 and 31 according to the Examiner's suggestion.

CONCLUSION

If the Examiner believes that an interview would facilitate the resolution of any outstanding issues, he is kindly requested to contact the undersigned.

Dated: December 5, 2008

Respectfully submitted,



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